

SERIAL No. 10/058,152
ATTORNEY DOCKET NO. 24184300.1008

REMARKS/ARGUMENTS

This paper is submitted in response to the Non-Final Office Action mailed August 10, 2005. Applicants note that the Examiner, as reported in a telephone conversation on November 9, 2005 with Applicants' representative, did not consider the Supplementary Amendment in Reply to Office Action faxed on August 3, 2005 when preparing his August 10, 2005, Non-Final Office Action. Consequently, this paper supersedes the Supplementary Amendment, and, consistent with the Examiner's discussion with Applicants' representative, the Examiner will not consider the amendments, remarks, and arguments proposed in the Supplementary Amendment faxed on August 3, 2005. Accordingly, the now-superseded statements in the Supplementary Amendment should not be considered a part of the prosecution history in this case, and no amendments or remarks therein have been relied upon by the Examiner in his decision about the patentability of the claims, either presently or in the future.

The present Application was originally filed with claims 1-35. Claims 3 and 35 were previously canceled. Claims 28, 29, and 34 have been amended. No new matter has been added. Accordingly, claims 1, 2, and 4-34 are currently pending in the Application. Reconsideration of this Application is respectfully requested in light of the above amendments and following remarks.

I. REJECTIONS UNDER 35 U.S.C. § 101

The Examiner has rejected claim 34 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicants have amended claim 34 to read "[a] tangible, machine readable medium" and respectfully submit that claim 34 is no longer directed to non-statutory subject matter and is in condition for allowance.

II. REJECTIONS UNDER 35 U.S.C. § 102

The Examiner has rejected claims 1, 2, 4-11, 16-20, 22-25, and 30-34 as being anticipated by U.S. Patent Publication 2002/0083154 to Auffray *et al.* To anticipate a claim, a reference must disclose the same invention. "The identical invention must be shown in as complete detail as is contained in the...claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Applicants respectfully submit that Auffray does not anticipate claims 1, 2, 4-11, 16-20, 22-25, and 30-34 because Auffray is directed to a wholly different end-use and accordingly fails to show, teach or suggest multiple limitations of the present claims. Specifically, Auffray does not show, teach, or suggest at least (1) the update of *user interface categories*, (2) the inclusion of *user interface categories* in the user interface data message, (3) the inclusion of a *user interface element* in each *user interface category*, and (4) the update of *user interface elements*.

Auffray discloses a method and system for "fulfilling requests for information data from a network client." Para. 12, 48. More specifically, Auffray relates to improving response time when a network client requests information data accessible from a network server and displayable through a form-based hypertext document. Para. 1. In the form-based hypertext document of Auffray, data is categorized as either "dynamic" or "static." Auffray defines "dynamic" data as "useful" data which is stored on the server and subject to change over time. Para. 7-8. The "dynamic" data of Auffray represents the substantive data in the form-based hypertext document. "Dynamic" data is contrasted with "static" data which is defined in Auffray as the formatting data which control how the "dynamic" data is arranged in the form-based hypertext document. Para. 7-8. Auffray also refers to "static" data as "template" or "mask" data. Para. 7. Auffray's method reduces network traffic between the client and server by separating

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the management of the formatting ("static") data from the management of the substantive ("dynamic") data in form-based hypertext documents. Para. 18.

In contrast, Applicants claim "a method to facilitate the update of a plurality of user interface categories...wherein each user interface category includes a user interface element." In Applicants' specification, the term "user interface elements" includes, but is not limited to, dynamic screen elements that "rotate, accept input, or scroll headlines." Para. 2. The simple form-based hypertext document updated in Auffray includes no such "user interface elements," much less a method to facilitate the update of a plurality of user interface categories.

Further, Applicants' specification provides a clear definition for the term "category" as used in Applicants' claims. "The word 'category' may be used interchangeably with the terms 'content type' or 'aggregate area', and for purposes of the present specification is deemed to refer to an identifiable group or collection of screen (or user interface) elements of a screen or user interface (UI)." Para. 29. The simple form-based hypertext document updated in Auffray includes no such "categories" of user interface elements.

In Item 4 of the Office Action, the Examiner refers to paragraphs 85-86 of Auffray as anticipating a "user interface data message [that] includes the plurality of user interface categories" as claimed. These paragraphs do contain the word "category"; however, in Auffray, a "category" of information is defined as "for example, in a human resource database application, a collection of records...which concerns a given group of employees in a given company." Para. 85. This use of the word "category" by Auffray is clearly different from "category" as it is used in Applicants' claims, and accordingly Auffray also does not anticipate this claim element. Specifically, because Applicants have clearly defined "user interface categories" in the specification, and because these clearly defined "user interface categories" are

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completely different from the "categories" found in Auffray, Auffray does not show, teach, or suggest the claimed inclusion of user interface categories in the user interface data message and the subsequent updating of user interface categories and user interface elements.

Also in Item 4 of the Office Action, the Examiner refers to paragraphs 71, 72, 90, and 110 of Auffray as anticipating "updating the respective user interface elements" as claimed. The items updated in Auffray are simply fields in a form-based hypertext document. ("[A]ppropriate fields of the displayed HTML form are filled with the obtained information data..." Para. 72.) These simple fields are not "user interface elements" as found in Applicants' claimed invention. See above discussion regarding "user interface elements."

Because each of Applicants' pending claims either contain the above-described distinguishing elements or depend from claims containing those elements, and because these elements are not disclosed, suggested, or taught in Auffray, Auffray does not anticipate any of Applicants' pending claims. Consequently, Applicants request that the Examiner withdraw the rejections under 35 U.S.C. § 102.

III. REJECTIONS UNDER 35 U.S.C. § 103

The Examiner has rejected claims 12-15, 21, and 26-29 under 35 U.S.C. § 103(a) as allegedly obvious over Auffray. Applicants respectfully disagree with the Examiner's position because each of these claims either contain an element in which user interface categories are updated or depend from a claim in which user interface categories are updated. At least because this element is neither taught or suggested in Auffray, as well as because of their own additional limitations, these claims are not obvious in view of Auffray. Consequently, Applicants request that the Examiner withdraw the rejections under 35 U.S.C. § 103(a).

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IV. CONCLUSION

Applicants respectfully submit that all pending claims are in condition for allowance, and therefore request a Notice of Allowability for claims 1, 2, and 4-34. No fees are believed due. If any fees are required to complete this filing, the Commissioner is authorized to charge those fees to Account No. 13-0480, Attorney Docket No. 24184300.1008. The Examiner is invited to please contact the undersigned Agent of Record if such would expedite the prosecution of the present Application.

Respectfully submitted,

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Date

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